

## [Review] Zhou Ling (2020) Access to justice for the Chinese consumer: handling consumer disputes in contemporary China

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## **LING ZHOU—ACCESS TO JUSTICE FOR THE CHINESE CONSUMER: HANDLING CONSUMER DISPUTES IN CONTEMPORARY CHINA**

MARIA FEDERICA MOSCATI

University of Sussex

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This is an impressive and well-written analysis of consumer dispute resolution in contemporary China. With its market-oriented reforms, the People's Republic has experienced enormous socioeconomic changes over the past 30 years, so that the comrade in Mao's times has now become a consumer, and one who busily enjoys the many shopping malls and burgeoning online spending opportunities. The book is based on intensive field research in a large city in China and, at one level, offers a first-class ethnographic account of the kind that is very difficult to achieve in the authoritarian context of the People's Republic. Indeed, it is also a very exceptional study of the nature and workings of a specific Chinese social organization (the local Consumer Council).

The monograph explores issues that relate not only to consumer protection, but also to alternative dispute resolution, socio-legal studies, and Chinese legal development. It also shows the value of bottom-up studies of Chinese law and the legal system, which hitherto have been lacking. Many existing studies of Chinese law have been exclusively top down, overlooking important aspects of Chinese legal development and the manner in which local institutions and processes actually work. On the basis of her detailed empirical research, Dr Zhou in this book offers important insights into law, justice and everyday life at the local level in China today, and this volume therefore fills an important gap in the current literature. These local processes are significant for understanding broader issues of order maintenance and civil society development. In looking at consumer disputes *per se*, Dr Zhou shows how they are for the most part 'dissolved' rather than 'resolved'. Even local judges see compromise and stability as preferred outcomes, rather than deciding issues by the application of legal norms. So, while law casts its shadow (including in particular, the possibility of punitive damages for breach of the provisions of consumer law and regulations and of food safety law and

regulations), negotiations and mediation play very substantial roles in the handling of consumer disputes.

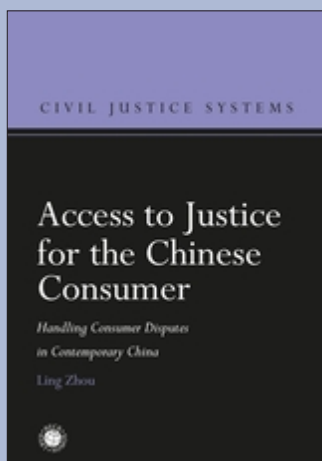
Also important are a group of ‘professional consumers’. These social actors are not legally qualified but rather educate themselves in consumer and related law and with impressive skill use a range of legal, social and political processes and possibilities to secure what are often good settlements. They are thereby able to make a living from their consumer ‘work’. Longstanding Chinese distrust of strategic conduct in asserting rights, however, also makes these local figures and their claims a matter of some controversy, and local officials sometimes take the view that such strategic conduct is not ethically correct—and therefore to be discouraged. On the other hand, Dr Zhou sees these figures as an equivalent, in China’s authoritarian context, of the ‘consumer citizen’, who are in their own way contributing to a stronger civil society in the People’s Republic. She locates her findings to greater theoretical effect by contextualizing the ‘Comrade to Consumer, to Consumer Citizen’ progression in China in comparative legal studies.

Chapter 1 of the study sets the scene, and points out, among other things, the limited attention given to consumer issues in China in the English language studies of both Chinese legal development and also the wider comparative consumer protection literature. In the Chapter (3) which follows, the nature of and problems in consumer protection in China are considered. As China remains a socialist system and one with traditions of paternalistic governance, the notion of a consumer with ‘rights and interests’ (*quanyi*) as seen in contemporary Chinese law and society is considered, including analysis of the extent to which in the People’s Republic there has now emerged something like the ‘consumer citizen’ found elsewhere in the world, especially western liberal democracies. This theme is also considered in some detail in Chapter 5.

Chapters 3 to 7 discuss findings primarily based on Dr Zhou’s fieldwork, analysing consumer protection and regulatory bodies, the manner in which the consumer grievant chooses a particular forum and processes for securing redress, how these bodies handle not only consumer grievances *per se* but also reports of defective consumer goods and service. Also examined are the ways in which Chinese understandings of ‘mediation’ are culturally distinctive, and the book shows that the preferred style of mediation is one that is strongly interventionist and judgmental in nature, close to what would be identified in the general literature as ‘evaluative’ and ‘broad’ in style. Chapter 5 offers a very substantial analysis of a new kind of figure in local consumer protection—

the ‘professional’ consumer or complainant—that is, non-lawyers who develop expert knowledge about consumer standards, and rules and practices of complaint and redress. Official attitudes, often ambiguous in nature, towards their presence and work are also analysed. Chapter 6 also provides an examination of the relationship between civil proceedings, administrative litigation and other forms of court-focused access to consumer justice in China. Like the preceding Chapter, it considers in some depth the ‘professional’ complainants (or litigants), who are regular users of the courts in consumer disputes, and explains the strategies by which they achieve their compensation goals. The following Chapter (7) shows the reader the various social and political methods that consumers use to assert their rights and interests, demonstrating how new, more public, avenues of redress are now being used, including the possibility of public interest litigation, requests for disclosure of government information and media-assisted online dispute resolution. But the book also points out the significance of China’s unwillingness to develop an ombuds system—either in general or specifically for the consumer. The concluding Chapter (8) argues *inter alia* that the consumer protection system in the People’s Republic is such that, while functioning primarily through process of negotiation and mediation in the shadow of administrative power, it nevertheless often delivers a great deal of simple, speedy and inexpensive justice for the Chinese consumer.

The study offered by Dr Zhou shows the reader in a remarkable manner a China that is becoming more consumer friendly and, despite constraints, having developed some degree of consumer activism. Although this book is primarily intended as an empirical study, it is also apparent that the research findings of the study have significant theoretical relevance and will have an important impact. It is likely that a wide range of readers will find much to interest them in this fine piece of work.



*Access to Justice for the Chinese Consumer: Handling Consumer Disputes in Contemporary China* (2020) by Ling Zhou is published by Hart & Beck and is part of the Civil Justice Systems Series edited by Christopher Hodges. Price: £55. ISBN 9781509931057.